# Translation

## 10/540054 PATENT COOPERATION TREA



PCT Rec'd PCT/PTO 2 2 JUN 2005

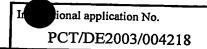
#### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/540054

Applicant's or agent's file reference D7300448WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)							
International application No. PCT/DE2003/004218	International filing date (day/month/year) Priority date (day/month/year) 19 December 2003 (19.12.2003)  06 January 2003 (06.01.2003)							
International Patent Classification (IPC) or national classification and IPC H04L 12/28								
Applicant PHILIPS SEMICONDUCTORS DRESDEN AG								
<ol> <li>This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</li> </ol>								
2. This REPORT consists of a total of	6 sheets, including this cover sheet.							
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).								
These annexes consist of a total	These annexes consist of a total of 6 sheets.							
<ol><li>This report contains indications relating</li></ol>	ng to the following items:							
I Basis of the report	I Basis of the report							
n Priority								
III Non-establishment of	opinion with regard to novelty, inventive step and industrial applicability							
IV Lack of unity of inven								
V Reasoned statement un citations and explanati	nder Article 35(2) with regard to novelty, inventive step or industrial applicability; ions supporting such statement							
VI Certain documents cite	ed							
VII Certain defects in the i	international application							
VIII Certain observations on the international application								
Date of submission of the demand	Date of completion of this report							
05 August 2004 (05.08.20	20.43							
	17 March 2005 (17.03.2005)							
Name and mailing address of the IPEA/EP	Authorized officer							
Facsimile No.	Telephone No.							

### INTERNATIONAL PRESENTINARY EXAMINATION REPORT



I. Basis	s of the r	eport				
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#### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.					
r/DE	03/04218				

v.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
1.	Statement							
	Novelty (N)	Claims	1-18	YES				
		Claims		NO				
	Inventive step (IS)	Claims	1-18	YES				
		Claims		NO				
	Industrial applicability (IA)	Claims	1-18	YES				
		Claims		NO				

Citations and explanations

This report refers to the following document (D1):

- D1: XP002206839, "IEEE standard for information technology telecommunications and information exchange between systems local and metropolitan area networks specific requirement. Part 11: wireless LAN medium access control (MAC) and physical layer specification." ISO/IEC 8802-11, ANSI/IEEE Std 802.11-1999) 20 August 1999
- The present international application pertains to a "method and a communication device for data transmission in wireless local area networks" according to the preamble of independent claims 1 and 13, respectively, wherein the range of the data transmission rates is expanded.
- 2. International search report citation D1 is considered to be the prior art under PCT Rule 64.1 that is closest to the subject matter of independent claims 1 and 13.

Form PCT/IPEA/409 (Box V) (January 1994)

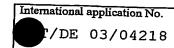
D1 likewise describes a method of transmitting data in wireless local area networks. To set up the data transmission, one communicant sends to the other communicant an information element consisting of element identification part, length indication part and information part, the element identification part having a value range that is standardized for both communicants according to a data transmission standard stipulating that the information part contains data transmission rates permissible within a defined maximum range.

- The disadvantage of this known method consists in the fact that if the defined maximum range is exceeded (if the first communicant supports multiple transmission rates), this results in incompatibility with the second communicant, who supports only the maximum range of data transmission rates provided for.
- 4. The technical problem addressed by the present international application is to expand the range of data transmission rates in such a way that the interoperability between communicants of different data transmission standards can be assured.
- 5. According to the invention, this technical problem is solved by the features of independent claims 1 and 13 in such a way that the range of data transmission rates is broken up into a plurality of ranges according to definite data transmission standards. Corresponding to each range of the data transmission ranges according to a defined data transmission standard is a specific value of the element identification part.

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- 6. The claimed solution has the advantage that a communicant working according to only one data transmission standard receives only the information elements for setting up the data transmission according to the data transmission standard supported, which has a specific value of the element identification part.
- 7. The invention's definition of the "method and communication device" as stipulated in the features of the characterizing parts of claim 1 and claim 13, respectively, is neither disclosed nor suggested by the prior art:
- 7.1 The indicated document **D1** offers nothing that would lead a person skilled in the art to a solution according to **claim 1** or **claim 13** with an additional value of the element identification part for realizing an expansion of the range of data transmission rates.
- 7.2 The subject matter of the present application is not disclosed or suggested by the other document cited in the international search report (WO 02/17572), for in relation to the present invention this document represents no more than very general background art.
- 7.3 The other international search report citation (WO 02/17572) was not published until after the claimed priority date.
- 8. Claims 1 and 13 therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty

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and inventive step.

- 9. Dependent claims 2 to 12 and 14 to 18, all directly or indirectly dependent on claim 1 and claim 13, respectively, also meet the requirements of PCT Article 33(2) and (3) with regard to novelty and inventive step.
- 10. The present invention obviously also has industrial applicability (PCT Article 33(4)).

#### Further observations

The present international applications does not meet the requirements of PCT Rule 11.13(1) because reference signs "19" and "20" appear in the description but not in any of the figures.